



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

M. S.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/374,702 08/12/99 BAIRD

E 238/186

LYON & LYON LLP
633 W FIFTH
SUITE 4700
LOS ANGELES CA 90071

HM12/0614

EXAMINER

MARSCHEL, A

ART UNIT

PAPER NUMBER

1631

DATE MAILED:

06/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/374,702

Applicant(s)

Dervan et al.

Examiner

Ardin Marschel

Group Art Unit

1631



☒ Responsive to communication(s) filed on Apr 10, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-25 is/are pending in the application

Of the above, claim(s) 8-19 and 23-25 is/are withdrawn from consideration

☒ Claim(s) 1, 3, and 22 is/are allowed.

☐ Claim(s) _____ is/are rejected.

☒ Claim(s) 2, 4-7, 20, and 21 is/are objected to.

☒ Claims 1-25 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, ~~PTO-1449~~ (18 sheets)

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

The art unit designated for this application has changed. Applicant(s) are hereby informed that future correspondence should be directed to Art Unit 1631.

Applicants' election of Group I, Specie A, in Paper No. 8, filed 4/10/00, is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR § 1.821 through 1.825 because SEQ ID Nos have not been amended into the specification with sequences therein. See, for example, page 40, lines 10-14, and elsewhere. Applicants are given the same response time regarding this failure to comply as that set forth to respond to this office action.

Claims 2, 4-7, and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 2 is not further limiting from claim 1 in that the

acid amide form of R-2-amino derivative is already required for the diaminobutyric acid to be in a hairpin turn in the polyamide of claim 1.

Claims 4-7 give the options of the moiety " γ " in the formula therein as being either "-NH-..." or a chiral linkage derived from R-2,4-diaminobutyric acid". These options are outside of the scope of claim 1 from which claim 4 depends in that claim 1 apparently requires the presence of the chiral (R)-2,4-diaminobutyric acid in the hairpin.

Claim 20 appears to merely recite the hairpin chiral linkage from claim 1 and is also therefore not further limiting from claim 1.

Several of the citations on the enclosed PTO Forms 1449 have been lined through as not having been considered due to a lack of a date of publication.

The disclosure is objected to because of the following informalities:

Claim 21 is objected to due to the misworded phrase "selected the group" in line 1.

On page 4 of the specification the Brief Descriptions of the Figures are incomplete regarding Figure part descriptions. It is noted that Figure 3 has parts A-E but that these are not described on said page 4. On page 5 of the specification the Description for Figure 17 lacks a separate description of parts

A-V.

Correction is required.

Claims 1, 3, and 22 are allowed.

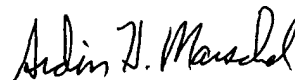
Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The CM1 Fax Center number is either (703) 308-4242 or (703) 305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is (703) 308-3894. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technical Center receptionist whose telephone number is (703) 308-0196.

June 13, 2000


ARDIN H. MARSCHEL
PRIMARY EXAMINER